

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

JAMIA MCCULLER

Plaintiff,

-against-

THE CITY OF ROCHESTER, a municipal entity,
MICHAEL COLLINS, AMBER GROSCH, JUSTIN
WHITMORE, “JOHN DOE POLICE OFFICER 1-200”
(names and number of whom are unknown at present),
Defendants.

NOTICE OF MOTION

Case No.: 21-cv-6763

Defendants City of Rochester, Michael Collins, Amber Grosch and Justin Whitmore (“City Defendants”) move this Court pursuant to FED. R. CIV. P. 12(b)(6) to dismiss for failure to state a claim for relief—or alternatively for summary judgment on the ninth, tenth, eleventh and twelfth causes of action in Plaintiff’s complaint.

In support of this motion, the Court is referred to the Declaration of John M. Campolieto, Esq., with exhibit attached, and the Memorandum of Law, all submitted herewith and made part of this motion. The City reserves the right to file a reply memorandum of law within fourteen days of Plaintiff's filing any opposition to this motion.

Date: February 3, 2022

By: /s/
John M. Campolieto Esq., of Counsel
Attorneys for Defendant
30 Church Street, Room 400A
Rochester, NY 14614
(585) 428-7410

To: ROTH & ROTH, LLP
Elliot D. Shields, Esq.
Counsel for Plaintiffs
192 Lexington Avenue, Suite 802
New York, New York 10016